



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

SDMS Document ID



1060093

Ref: 80C

MEMORANDUM

SUBJECT: Animas Team Meeting
March 11, 1996 12:30 p.m.

FROM: Carol Russell

TO: Animas Team

In attendance were: Paul Rogers, Richard Sisk, Melaine Pallman, Rob Walline, Pat Smith, Nat Miullo, Vern Berry and Carol Russell

1. Animas La Plata EIS

- A discussion of high level administrative appointees of both EPA and Department of the Interior met last week to discuss issues surrounding the ALP project. As Region VIII's representative, Bill Yellowtail presented a list of unresolved issues. In Wes Wilson's words, "The meeting went very well."

2. Consent Decree

- Because the agreement is primarily composed of ~~three NPDES permits~~, we decided that the permits people should take the lead addressing comments to the State on the permit component (Mike Reed needs to be contacted). Comments on other issues in the Consent Decree will be coordinated by Richard Sisk. We need to make sure both Max and Kerry are comfortable on this. Dave Holm would like to give a presentation to the group on March 19th, Tuesday morning? I will verify.

- a. Will this agreement adversely affect other EPA actions at similar sites?
- b. How much of the consent decree was already required under the existing Sunnyside Stormwater permits?
- c. How much is the responsibility of others? What mechanism will be used to bring in the landowners? Are these sites orphans?
- d. Paragraph 22 should be consistent with 8c, relief only given to Sunnyside.
- e. What are the fallback mechanisms?



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- f. What is the availability of the letter of credit? Only under bankruptcy? Only for the treatment plant? Can't other sites in the Consent Decree be addressed?
- g. Will the flow remain constant through the treatment plant under the CD? Will modifications need to be made in the plant process to deal with Cement Creek flows?
- h. Why were WET requirements eliminated?
- i. What is the reasoning behind only monthly monitoring? A map of the sampling points would be helpful.
- j. What is the range in the statistical average?

3. Site Assessment

- The State has requested a meeting for tomorrow 1 - 3 between Max, Dave Holm, and Howard Roitman.

We agreed that the following ideas be conveyed to Max.

- A. Who is concerned? (State, locals, water, waste?) What are the different viewpoints?
- B. Has the State assessed all of the risks? What can we do to help them get all of the information needed?
- C. Superfund is not just National Priority Listing (NPL) (voluntary cleanups, prospective purchasers, screening, emergency response....)
- D. Liability results from problems on the ground, not just in listing a site.
- E. NPL listing is a last resort but is still a valid tool.
- F. What steps need to be taken and by whom?
- G. Would a comfort letter, letter of intent, be sufficient which states "If progress is being made in improving the environment and human health is protected in the Upper Animas Basin, National Priority Listing will not be pursued by EPA Region VIII"





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2. Consent Decree

- The team should take the lead addressing comments to the State on the Consent decree, advised management. The permit component will need to be coordinated with Mike Reed and comments on other issues in the Consent Decree will be coordinated with Richard Sisk. Dave Holm would like to give a presentation to the group on March 19th, Tuesday morning? I will verify.

- 9:30 -
- a. Will this agreement adversely affect other EPA actions at similar sites?
 - b. How much of the consent decree was already required under the existing Sunnyside Stormwater permits? - *Enaska permit* -
 - c. How much is the responsibility of others? What mechanism will be used to bring in the landowners? *Are these sites orphans?*
 - d. Paragraph 22 should be consistent with 8c, relief only given to Sunnyside.
 - e. What are the fallback mechanisms? *de minimis*
 - f. What is the availability of the letter of credit? Only under bankruptcy?

adequately distinguished whether plugging ~~is~~ is an option





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Voluntary Cleanup